

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
SYMQUEST GROUP, INC.,

Plaintiff,

-against-

CANON U.S.A., INC.,

Defendant.
-----X

MEMORANDUM AND ORDER

CV 15-4200

(Wexler, J.)

FILED
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U S DISTRICT COURT E D N Y

★ AUG 28 2015 ★

LONG ISLAND OFFICE

APPEARANCES:

GIBBONS P.C.

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WEXLER, District Judge:

This diversity action was commenced by Plaintiff Symquest Group, Inc. ("Symquest") against Defendant Canon U.S.A., Inc. ("Canon") on July 17, 2015, alleging a number of claims arising from Canon's termination of its Dealer Agreement with Symquest as a result of

Symquest's change in ownership.

Together with its Complaint, Symquest also filed a Proposed Order to Show Cause seeking a temporary restraining order and a preliminary injunction requiring Canon to: (1) allow Symquest to access Canon web portals, including the e-support site, the License Management site, the Image Ware Remote site, and the Image Runner Advance site; and (2) allow Symquest to purchase Canon-manufactured parts and supplies directly from Canon. These motions were referred to Magistrate Judge Locke for a Report and Recommendation. Following a two-day hearing, Magistrate Lock issued a thorough and extensive Report and Recommendation dated August 7, 2015, in which he recommended that Symquest's motion be denied for failure to demonstrate irreparable harm, as well as failure to establish that Symquest is likely to succeed on the merits of this action.

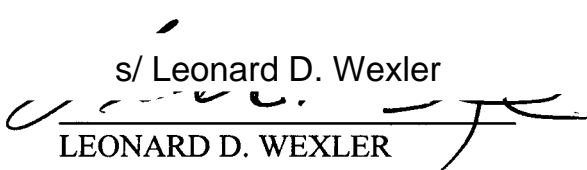
Magistrate Locke's Report and Recommendation advised the parties that any written objections were to be filed within fourteen days from the date of the Report and Recommendation. (R&R at 29.) The Report and Recommendation was dated and docketed on the Court's electronic filing system on August 7, 2015. To date, no objections have been received.

Accordingly, the time to file objections to the recommendation of Magistrate Locke having passed without receipt of any objections thereto, the Report and Recommendation is hereby adopted. Symquest's application for a temporary restraining order and preliminary injunction is denied.

SO ORDERED:

Dated: Central Islip, New York
August 28, 2015

s/ Leonard D. Wexler



LEONARD D. WEXLER
United States Magistrate Judge